

STANDARD APPLICATION

Harford County Board of Appeals
Bel Air, Maryland 21014

RECEIVED
OCT 22 2003
HARFORD COUNTY COU.

Case No. 5381
Date Filed 10/10/03
Hearing Date
Receipt \$ 950
Fee

Shaded Areas for Office Use Only

CASE 5381 MAP 49 TYPE Variance

Type of Application

- Administrative Decision/Interpretation
- Special Exception
- Use Variance
- Change/Extension of Non-Conforming
- Minor Area Variance
- Area Variance
- Variance from Requirements of the Code
- Zoning Map/Drafting Correction

ELECTION DISTRICT 3 LOCATION Brierhill Drive and Churchville Rd., Bel Air
 BY Seasons at Bel Air I, LLC, c/o Sawyer Property Management of Md., 9658 Baltimore Ave., Ste. 300
 College Park, Md. 20740-1346
 Appealed because a variance pursuant to Section 267-26C(4) of the Harford County Code to allow a
 structure (proposed gatehouse) within the front yard setback. A variance pursuant to Section 267-24C(1)
 and (2) of the Harford County Code to allow a structure to be located within the visibility triangle at an
 intersection. A variance pursuant to Section 219-7K of the Harford County Code to allow a development
 project identification sign structure to exceed 6 feet in height (7.25 feet front base of structure) in an R3
 District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name SEASONS AT BEL AIR I, LLC Phone Number CONTACT ATTORNEY

Address C/O SAWYER PROPERTY MANAGMENT OF MARYLAND, 9658 BALTIMORE AVENUE, SUITE 300
Street Number Street City State Zip Code
COLLEGE PARK, MD 20740-1346

Co-Applicant NONE Phone Number

Address
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number

Address
Street Number Street City State Zip Code

Attorney/Representative ALBERT J.A. YOUNG Phone Number 410-838-5500

Address 200 S. MAIN STREET, BEL AIR, MD 21014
Street Number Street City State Zip Code

Hearing: 12/17/03

Land Description

Address and Location of Property CORNER OF BRIERHILL DRIVE AND CHURCHVILLE ROAD
(MD ROUTE 22), BEL AIR, MD 21014

Subdivision NONE Lot Number N/A

Acreage/Lot Size 15.73 acres Election District 03 Zoning RH

Tax Map No. 49 Grid No. 1D Parcel 225 Water/Sewer: Private _____ Public X

List ALL structures on property and current use: _____

Estimated time required to present case: 1 HOUR (WITHOUT OPPOSITION)

If this Appeal is in reference to a Building Permit, state number NO

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No X

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No X

Is this request within one (1) mile of any incorporated town limits? Yes X No _____

Request

SEE ATTACHED

Justification

SEE ATTACHED

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

HARFORD COUNTY BOARD OF APPEALS ZONING APPLICATION

Seasons at Bel Air I, LLC

Background

Seasons at Bel Air I, LLC (the "Applicant") is the owner of the subject property, containing 15.73 acres, more or less, located at 955 Sablewood Road, in Bel Air, Maryland. The Seasons at Bel Air is an apartment complex (formerly known as Greenbrier Apartments) fronting on Churchville Road (Maryland Route 22), with R4, Urban Residential, zoning.

The Applicant has removed the existing identification sign (facing Brierhill Drive), and constructed a new brick identification sign (facing Churchville Road). In addition, the Applicant intends to construct a 96 sf (unmanned) gatehouse (facing Brierhill Drive), and a brick wall with piers, connecting the gatehouse and identification sign, extending approximately 50 feet in each direction from the corner of Churchville Road and Brierhill Drive.

The proposed brick wall will be approximately 2' 7" in height, while the five brick piers (two housed at either end of the wall, two abutting each side of the identification sign, and one housed in the center of the wall facing Brierhill Drive) will be approximately 5' 8" in height. The wall, piers, and sign will be "sited" on top of a slope that averages 1.5-5.5 feet above grade at the right-of-way (the slope varies as it moves from the road intersection to the end of the wall facing Churchville Road). Accounting for the varying slope, the height of the brick piers (facing Churchville Road) are approximately 7.25 feet (at the outermost point) to 11.25 feet (abutting the sign) from ground elevation.

Request and Justification

1. Variance from Section 267-24(C)(1) and (2), *Visibility at Intersecting Roads*, of the Code, to allow a structure to be located within the visibility triangle at an intersection.
2. Variance to Section 267-26(C)(4), *Use Limitations*, to construct the proposed gatehouse within the required front yard set back.
3. Variance to Section 219-7(K), *Exemptions*, of the Harford County Sign Code, to allow a development project identification sign structure to exceed 6 feet in height (7.25 feet proposed from base of structure) in an R4 District.

The subject property consists of an apartment complex. The original identification sign existed on the property essentially in the same location, but facing Brierhill Drive. Applicant has removed the old sign and constructed a new sign facing Churchville Road. Because of the location and size, the old sign did not offer the visibility proposed by the new identification sign. The proposed gatehouse is intended to be part of the fence structure surrounding the identification sign. Strict compliance with the Code requirements would prohibit the Applicant from placing an identification sign visible from the traveled portion of Churchville Road. It is the intention of the Applicant to improve the aesthetics of the apartment complex, including substantial improvements to the apartment units, many of which have already been completed, and construction of the proposed fence, sign, and gatehouse. Applicant can operate in full compliance with all other provisions applicable to the Code requirements. For a detailed drawing of the proposed identification sign and gatehouse, see the attached Wall and Sign Plan, prepared by KCI Technologies, Inc.

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

November 14, 2003

STAFF REPORT

BOARD OF APPEALS CASE NO. 5381

APPLICANT/OWNER: Seasons at Bel Air I, LLC
c/o Sawyer Property Management of Maryland,
9658 Baltimore Avenue, Suite 300, College Park, MD 20740-1346

REPRESENTATIVE: Albert J.A. Young
200 South Main Street, Bel Air, Maryland 21014

LOCATION: Corner of Brierhill Drive and Churchville Road (MD Route 22)
Tax Map: 49 / Grid: 1D / Parcel: 225
Election District: Third (3)

ACREAGE: 15.73± acres

ZONING: R4/Urban Residential District

DATE FILED: October 10, 2003

HEARING DATE: December 17, 2003

APPLICANT'S REQUEST and JUSTIFICATION:

See Attachment 1.

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103
220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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Seasons at Bel Air I, LLC

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CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to allow a structure (proposed gatehouse) within the required front yard setback. A variance pursuant to Section 267-24C(1) and (2) of the Harford County Code to allow a structure to be located within the visibility triangle at the intersection. A variance pursuant to Section 219-7K of the Harford County Sign Code to allow a development project identification sign structure to exceed 6 feet in height (7.25 feet from the base of structure proposed) in a R4/Urban Residential District.

Section 267-26C(4) of the Harford County Code reads:

“No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages specified in Section 267-23C, Exceptions and modifications to minimum yard requirements.”

Section 267-24C(1) and (2) of the Harford County Code reads:

“Visibility at intersecting roads.

- (1) In order to provide for visibility across lots at intersection roads, there shall be a triangular area of clear vision on each corner lot. The triangular area shall be formed from a point on each road right-of-way line located twenty (20) feet for local roads, forty (40) feet for collector roads and sixty (60) feet for arterial roads from the intersection of the road right-of-way line, which abuts the lot and a third line connecting the two (2) points.*
- (2) On any portion of a lot that lies within the triangular area described above, no obstruction shall be placed in such a manner as to impede vision between a height of two and one half (2½) feet and ten (10) feet above the grade at the road right-of-way.”*

Section 219-7K of the Harford County Sign Code reads:

“Permanent residential entrance or development project identification signs. Residential entrance or development project identification sign with letters or advertising area not to exceed a total area of 32 square feet shall be permitted on the property, provided that it is located not less than 10 feet from the road right-of-way line. In addition, the height of the sign or structure shall not exceed 6 feet. If the parcel or lot has multiple frontage of at least 50 feet, additional signs with letters or advertising area not to exceed a total of 32 square feet shall be permitted. Such sign or structure shall not exceed 6 feet in height and shall not be located less than 10 feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed the 32-square feet. [Added by Bill No.86-28]”

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LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located east of the Town of Bel Air and south of Churchville Road (MD Route 22). The property is situated on the southwest corner of Churchville Road (MD Route 22) and Brierhill Drive. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject site is located within the Development Envelope. This area contains land use designations that include Low, Medium and High Intensities and Neighborhood and Town Centers. The Natural Features Map reflects parks and stream buffers. The subject property is designated as High Intensity, which is defined by the Master Plan as:

High Intensity – Areas within the Development Envelope where residential development occurs at a density greater than 7.0 dwelling units per acre. Major retail commercial centers and highway-related businesses, such as automobile dealerships and home improvement centers, are examples of some of the most intensive uses associated with this designation.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County conform to the intent of the 1996 Master Plan. Residential uses include single-family homes, garden apartments, townhouses and condominiums. Commercial uses are located along Churchville Road (MD Route 22) and include shopping center, automotive, individual retail and service uses. In addition, there are institutional uses that include schools, churches and parks. Enclosed with the report is a copy of the aerial photograph (Attachment 6).

The subject parcel is 15± acres in size and contains an existing apartment complex. There is an existing sign facing MD 22. The Applicant is proposing a decorative wall and gatehouse as shown on the site plan. The area around the sign is landscaped with shrubbery and trees. The property along MD 22 in the area of the sign sits 6 to 11± foot higher than the road. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 7 and 8).

Zoning:

The zoning classifications in the area conform to the intent of the Master Plan as well as the existing land uses. Residential zoning ranges from R1 to R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood and B2/Community Business Districts. The

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subject property is zoned R4/Urban Residential District. Enclosed is a copy of the zoning map (Attachment 9).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-26C(4) of the Harford County Code to allow a structure (proposed gatehouse) within the required front yard setback. A variance pursuant to Section 267-24C(1) and (2) of the Harford County Code to allow a structure to be located within the visibility triangle at the intersection. A variance pursuant to Section 219-7K of the Harford County Sign Code to allow a development project identification sign structure to exceed 6 feet in height (7.25 feet from the base of structure proposed) in a R4/Urban Residential District.

219-17 variances – sign code:

The Board may grant a variance from the provisions of this Chapter if, by reason of the configuration or irregular shape of the lot or by reason of topographic conditions or other exceptional circumstances unique to the lot or building, practical difficulty or unnecessary hardship results. The Board shall, before granting the variance, make a written finding as part of the record that the conditions or circumstances described are unique to the lot or building, that the conditions or circumstances cause the difficulty or hardship and that the variance is to be granted without impairment of the purpose and provisions of this chapter.

267-11 variances:

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

Section 267-26C(4):

“No accessory use or structure shall be established within the required front yard, except agriculture, signs, fences, walls or parking area and projections or garages specified in Section 267-23C, Exceptions and modifications to minimum yard requirements.”

Because of the topography of the site along with the placement of the existing improvements including the block wall along MD 22, the sign, wall/fencing and gatehouse are being located in the front yard on the top of the existing hill. The sign and wall/fencing are permitted in the front yard. It would not be appropriate or possible to locate the gatehouse behind the setback line. These proposed improvements will not have an impact on adjacent properties or traffic along either road.

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Section 267-24C(1) and (2):

“Visibility at intersecting roads.

- (1) *In order to provide for visibility across lots at intersection roads, there shall be a triangular area of clear vision on each corner lot. The triangular area shall be formed from a point on each road right-of-way line located twenty (20) feet for local roads, forty (40) feet for collector roads and sixty (60) feet for arterial roads from the intersection of the road right-of-way line, which abuts the lot and a third line connecting the two (2) points.*

The sign, wall/fence and gatehouse are located at the top of the embankment. Because of the width of the rights-of-way and the topography, the proposed structures will have no impact on vehicular movement and site visibility.

- (2) *On any portion of a lot that lies within the triangular area described above, no obstruction shall be placed in such a manner as to impede vision between a height of two and one half (2½) feet and ten (10) feet above the grade at the road right-of-way.”*

The proposed structures will not impede vision at this signalized intersection.

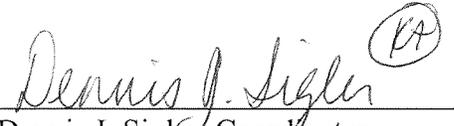
Section 219-7K:

“Permanent residential entrance or development project identification signs. Residential entrance or development project identification sign with letters or advertising area not to exceed a total area of 32 square feet shall be permitted on the property, provided that it is located not less than 10 feet from the road right-of-way line. In addition, the height of the sign or structure shall not exceed 6 feet. If the parcel or lot has multiple frontage of a least 50 feet, additional signs with letters or advertising area not to exceed a total of 32 square feet shall be permitted. Such sign or structure shall not exceed 6 feet in height and shall not be located less than 10 feet from the road right-of-way. Said signs may be split entrance signs; however, the overall advertising area may not exceed the 32-square feet. [Added by Bill No.86-28]”

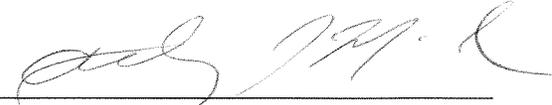
The existing sign is oval measuring approximately 4-feet-tall and 6.5-feet-long or approximately 26 square feet, which is less than the maximum 32 square feet permitted. The structure that holds the sign is located 11.3± feet from the property line at its closest point. The height of the wall is approximately 2.7 feet in height. The brick piers are approximately 7.25 feet in height from ground elevation. The requested height variance for the sign structure shall have no adverse impact on the intent of the Code and/or on adjacent properties.

RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested variances be approved subject to the Applicant obtaining all necessary permits and inspections.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka